

§ 7.03 BOARD OF ADJUSTMENT.

(A) Creation and membership.

(1) A Board of Adjustment shall be established and shall consist of five members. One member shall be a member of the County Planning Commission. No elected officer of the county, nor any employee of the Board of Commissioners, shall serve as a member of the Board of Adjustment.

(2) The Board of Adjustment members shall be appointed by resolution of the County Board, each for a term of three years. Two appointments shall be made at the beginning of each calendar year, except that every third year one appointment shall be made. Each member shall be eligible for reappointment by the County Board.

(3) The County Board may, by resolution, remove any Board of Adjustment member for non-performance of duty or misconduct in office. Vacancies which occur by reason of death, resignation, disability or otherwise, shall be filled by an appointment by the County Board for the unexpired term of the vacant seat.

(4) Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a Board of Adjustment member from voting thereon shall be decided by majority vote of all regular Board members, except the member who is being challenged.

(5) The members of the Board of Adjustment may be compensated, as determined by the County Board, and may be paid their necessary expenses in attending meetings of the Board and the conduct of the business of the Board.

(6) The Board of Adjustment shall elect a Chairperson and Vice Chairperson from among its members at the beginning of each calendar year. The Board shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings and determinations. The Zoning Administrator shall act as Secretary of the Board.

(7) The meetings of the Board of Adjustment shall be held at the call of the Chairperson and at such other times as the Board may specify in its rules of procedures.

(B) Powers and duties. The Board of Adjustment shall have the following powers and duties.

(1) *Administrative review.* The Board shall hear and decide appeals when it is alleged there is error in any order, requirement, decision or determination made by the administrative official in the enforcement of this ordinance.

(2) *Variances.* The Board shall order the issuance of variances from the terms of this ordinance in accordance with M.S. Chapter 394, as it may be amended from time to time, including restrictions placed on nonconformities, according to the requirements and procedures found in § [3.08](#).

(3) *Official map appeals.* The Board shall have the exclusive authority to hear and decide any appeals of a denial of a land use permit by the Board of Commissioners due

to the land's location on any official map, as set forth in and under the procedures of M.S. § 394.361, as it may be amended from time to time.

(C) *Other duties.* The Board of Adjustment shall order the issuance of permits for buildings in areas designated for future public use on official maps. The Board shall also perform such other duties as required by this ordinance and any other official controls adopted pursuant to the provisions of M.S. Chapter 394, as it may be amended from time to time.

(D) *Appeals from the Board of Adjustment.* All decisions by the Board of Adjustment shall be final in the granting of variances and in hearing appeals from any administrative order, requirement, decision or determination. Any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the state shall have the right to make an appeal to the District Court on questions of law and fact. Such appeal shall be made within 30 days after the receipt of the notice of the Board's decision. Appeal requirements and procedure are found in § [3.08](#).

(Ord. 97, passed 7-21-2009; Ord. 125, passed 7-18-2017)